

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

THIS DOCUMENT RELATES TO:
All Tennessee Actions Against Specialty Surgery
Center PLLC

MDL No. 2419
Master Docket No.: 1:13-md-2419-RWZ

Honorable Rya W. Zobel

DEMAND FOR JURY TRIAL

**PLAINTIFFS' STEERING COMMITTEES' MOTION FOR LEAVE TO FILE
AMENDED COMPLAINTS TO ADD CALISHER AND ASSOCIATES AS PARTY
DEFENDANT**

The Plaintiffs' Steering Committee (the "PSC") moves this Honorable Court, pursuant to Federal Rule 15 and Local Rule 15.1, for leave to file amended complaints to add Calisher and Associates, LLC ("Calisher") as a party defendant to cases involving Specialty Surgery Center, PLLC ("SSC").

There are approximately 28 cases in the MDL alleging claims against SSC. Calisher is the management company that had responsibility to manage SSC during the summer of 2012. This global motions request leave to amend these 28 cases to add Calisher as a party defendant for its alleged role in helping SSC procure contaminated medicines from the New England Compounding Pharmacy ("NECC").

A representative complaint setting forth claims against Calisher is attached hereto as Exhibit 1.¹ Further, to the extent plaintiffs wish to file amended complaints in their respective docket numbers, the PSC has requested that those plaintiffs file proposed

¹ This is not meant to be an operational complaint but only meant to assist the Court in evaluating the claims made against Calisher in the event that Calisher challenges the ability of plaintiffs to amend.

amended complaints in their individual docket numbers within 7 days of the filing of this global motion to amend.

Counsel for the Calisher's has been given a copy of this motion and the proposed complaint.

WHEREFORE, the PSC respectfully requests that the Court allow the Plaintiffs to amend their complaints to add Calisher as a party defendant in cases already pending against SSC.

November 3, 2015

Respectfully submitted,

s/ Benjamin A. Gastel

J. Gerard Stranch, IV
Benjamin A. Gastel
BRANSTETTER, STRANCH & JENNINGS
PLLC
227 Second Avenue North
Nashville, TN 37201
Telephone: (615) 254-8801
Facsimile: (615) 255-5419
gerards@branstetterlaw.com
beng@branstetterlaw.com

*Plaintiffs' Steering Committee and Tennessee
State Chair*

Thomas M. Sobol
Kristen Johnson Parker
HAGENS BERMAN SOBOL SHAPIRO LLP
55 Cambridge Parkway, Suite 301
Cambridge, MA 02142
Telephone: (617) 482-3700
Facsimile: (617) 482-3003
tom@hbsslaw.com
kristenjp@hbsslaw.com

Plaintiffs' Lead Counsel

Elizabeth J. Cabraser
Mark P. Chalos
Annika K. Martin
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
150 Fourth Avenue North, Suite 1650
Nashville, TN 37219-2417
Telephone: 615.313.9000
Facsimile: 615.313.9965
ecabraser@lchb.com
mchalos@lchb.com
akmartin@lchb.com

Federal/State Liaison

Marc E. Lipton
LIPTON LAW
18930 W. 10 Mile Road
Southfield, MI 48075
Telephone: (248) 557-1688
Facsimile: (248) 557-6344
marc@liptonlawcenter.com

Kim Dougherty
JANET, JENNER & SUGGS, LLC
31 St. James Avenue, Suite 365
Boston, MA 02116
Telephone: (617) 933-1265
kdougherty@myadvocates.com

Patrick T. Fennell
CRANDALL & KATT
366 Elm Avenue, S.W.
Roanoke, VA 24016
Telephone: (540) 342-2000
pfennel@crandalllaw.com

Mark Zamora
ZAMORA FIRM
6 Concourse Way, 22nd Floor
Atlanta, GA 30328
Telephone: (404) 451-7781
Facsimile: (404) 506-9223
marc@markzamora.com

Plaintiffs' Steering Committee

LOCAL RULE 15.1 CERTIFICATE

The undersigned hereby certifies under Local Rule 15.1(b) that he has served the motion upon counsel for the Calishers on October 25, 2015. Counsel for Calishers agreed that the PSC may file the motion prior to the expiration of the 14 day period contemplated by Local Rule 15.1(b).

s/Benjamin A. Gastel
Benjamin A. Gastel

CERTIFICATE OF SERVICE

I, Benjamin A. Gastel, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Date: November 3, 2015

/s Benjamin A. Gastel

Benjamin A. Gastel